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Southern District of New York
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September 2, 2022

VIA EMAIL AND ECF

The Honorable Kenneth M. Karas
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Andrew Perkins, 7:21-cr-00257-KMK-1

Dear Honorable Judge Karas:

I write regarding the above captioned matter to request an order pursuant to the CARES Act permitting Mr. Perkins to appear by video for his change of plea conference scheduled for September 15, 2021 at 11:00 a.m. before the Honorable Paul E. Davison.

Mr. Perkins is on bond and has moved to Missouri last year pursuant to this Court's order dated August 16, 2021 (Doc. 23). Although he generally enjoys good health, Mr. Perkins has a BMI of 37.1, which is considered obese. According to the Centers for Disease Control ("CDC"), obesity is defined as a BMI greater than 30. *See* CDC website, COVID-19, People with Certain Medical Conditions, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>. Mr. Perkins's obesity makes him part of the population that is "more likely to get severely ill from COVID-19." *Id.*

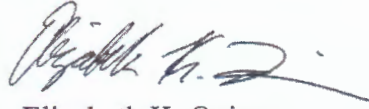
There has been an increase in cases over recent months as new variants of COVID-19 have evolved. In recent months, Missouri has seen an outbreak in the BA.5 variant of COVID-19, which has accounted for almost half of all reported cases in Missouri. *See* Farrah Anderson, *BA.5 COVID Variant is Spreading in Missouri, Where Cases Jumped by a Third in Two Weeks*, ST. LOUIS PUBLIC RADIO, July 19, 2022, *available at* <https://www.kcur.org/health/2022-07-19/ba-5-covid-variant-is-spreading-in-missouri-where-cases-jumped-by-a-third-in-two-weeks>. According to the New York Times, Missouri is reporting a 33% positivity for COVID-19 with only 57% of the population fully vaccinated. Aside from Mr. Perkins's health concerns, there is a legitimate concern that should he travel to the Southern District of New York he could risk infecting others should he be infected and not know it, particularly given the surge of delta variant cases where he now lives.

Pursuant to the CARES Act, for felony cases, "the district judge in a particular case [can] find[] for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, [and] the plea or sentencing in that case may be conducted by video teleconference, ~~or by telephone conference if video teleconferencing is not~~

reasonably available.” Coronavirus Aid, Relief, and Economic Security Act, 116 P.L. 136, 134 Stat. 281 (enacted Mar. 27, 2020) at § 15002(b)(2)(A).

I have spoken with Mr. Perkins about his right to appear in person for his change of plea conference. He would prefer to appear by video for the change of plea conference. Therefore, Mr. Perkins respectfully requests that the Court grant his application and allow him to appear by telephone for his change of plea conference scheduled for September 15, 2021 at 11:00 a.m.

Respectfully submitted,



Elizabeth K. Quinn
Assistant Federal Defender
Attorney for Mr. Perkins

cc: Jennifer Ong, A.U.S.A. (via email)

Granted. The plea can go forward via video,
because cannot be delayed without serious ~~harm~~
harm to the interests of justice.

So ordered
KMK
9/15/22